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7                   UNITED STATES DISTRICT COURT  
8                   EASTERN DISTRICT OF CALIFORNIA  
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12 DANIEL W. FAERFERS and  
13 KATJA FAERFERS,

14                Plaintiffs,

NO. CIV. S 04-2690 MCE PAN

15                v.

ORDER

16 CAVIAR CREATOR, INC, et al.,

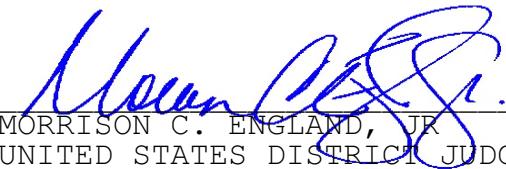
17                Defendants.  
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19                -----oo0oo-----  
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21               On March 4, 2005, Plaintiffs filed their first amended  
22 complaint. On March 14, 2005, Defendants filed a motion to  
23 dismiss portions of Plaintiffs' first amended complaint. In  
24 opposition, Plaintiffs acknowledged the merit of Defendants'  
25 motion and requested leave to file a second amended complaint.  
26 (Opp'n at 1:21-25.) Defendants have offered to challenge aspects  
27 of Plaintiffs' second amended complaint in a later motion.  
28 (Reply at 1:18-23.)

1       The Court grants Defendants' motion to dismiss Plaintiff's  
2 third cause of action for fraud. Plaintiffs are granted twenty  
3 (20) days from the date of this order to file a second amended  
4 complaint.<sup>1</sup>

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6       IT IS SO ORDERED.

7 Dated: May 17, 2005

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11      MORRISON C. ENGLAND, JR.  
12      UNITED STATES DISTRICT JUDGE

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28      <sup>1</sup> This matter was deemed suitable for decision without oral argument. Local Rule 78-230(h).